

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

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Paper No. ~~8~~ 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

LUTZ FREITAG,

Junior Party,
(Patent 5,601,593)¹

v.

PAUL H. BURMEISTER, CHARLES L. EUTENEUER,
BRIAN J. BROWN, PAUL J. FORDENBACHER
and ANTHONY C. VRBA

Senior Party,
(Application 08/737,492)²

Patent Interference No. 105,036

Before SCHAFER, LEE and TORCZON, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment

¹ Based on application 08/517,162, filed August 18, 1995. The real party in interest is Willy Rusch AG.

² Filed March 19, 1997. Accorded the benefit of application 08/246,320, filed May 19, 1994; and PCT/US95/06228, filed March 18, 1995. The real party in interest is Scimed Life Systems, Inc.

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BOARD OF PATENT APPEALS
AND INTERFERENCES

Interference No. 105,036
Freitag v. Burmeister

On November 4, 2002, Junior party Freitag filed a paper stating:

This is to advise that the Junior Party will not pursue this interference.

The notice appears to be a concession of priority and thus is treated, under 37 CFR § 1.662(a), as a request for entry of adverse judgment. The request is **granted**.

It is

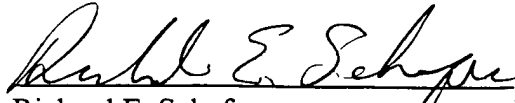
ORDERED that judgment as to the subject matter of the count is hereby entered against junior party LUTZ FREITAG;

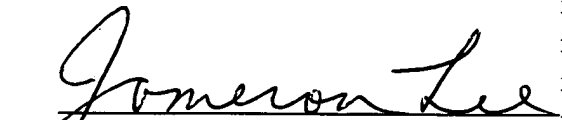
FURTHER ORDERED that junior party LUTZ FREITAG is not entitled to its patent claims 1-6 and 9 which correspond to the count; and


FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.

Interference No. 105,036
Freitag v. Burmeister


Richard E. Schafer
Administrative Patent Judge


Jameson Lee
Administrative Patent Judge


Richard Torczon
Administrative Patent Judge

BOARD OF PATENT
APPEALS
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Interference No. 105,036
Freitag v. Burmeister

By Facsimile

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